

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D'ARRIGO BROS. CO. OF NEW YORK, INC.,

Plaintiff,

-v-

JAMES CORRADO, INC., et al.,

Defendants.

CIVIL ACTION NO. 24 Civ. 3319 (JGK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

This matter has been referred to me to conduct an inquest and to report and recommend concerning Plaintiff's damages and attorneys' fees. (See ECF Nos. 30–31). Plaintiff has filed declarations and a memorandum of law regarding Defendants' liability, damages, and accrued attorneys' fees (ECF Nos. 23–25 (the "Liability and Damages Submissions")) and served the same upon Defendants (ECF No. 28).

Defendants shall submit their response to plaintiff's Liability and Damages Submissions, if any, no later than **Friday, August 30, 2024**. IF DEFENDANTS (1) FAILS TO RESPOND TO PLAINTIFF'S LIABILITY AND DAMAGES SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY FRIDAY, AUGUST 30, 2024, AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.") (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989)).

Plaintiff is directed to serve this Order and the Liability and Damages Submissions on Defendants and file proof of service on the docket no later than **Friday, August 16, 2024**.

Dated: New York, New York
August 9, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

<u>Requested Costs</u>		
Type of Expense	Evidence (with ECF cite)	Amount Requested
	TOTAL:	